

No. 6.F.A. 1st Reading 8-2-2017No. Public Hearing OCT 04 2017No. 6.P.S.F.C. 2nd Rdg. and Final Passage

No. Reconsidered

Approved as to Form and Legality on Basis of Facts Set Forth

1/2 8/2/17
Acting Corporation CounselCouncil member Council of the whole presents the following Ordinance:**Ordinance**

of the

City of Newark, N.J.Date to Mayor OCT 05 2017Date Returned OCT 10 2017

Date Resubmitted to Council

Date Advertised 1st Reading

Final Reading Michael J. Greene
Factual contents certified to by FOR J. KELLYTitle Acting Deputy Mayor/Director EHO

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK AMENDING THE CITY OF NEWARK ZONING ORDINANCE, TITLE XLI, CHAPTERS 1 THROUGH 5 OF THE MUNICIPAL CODE, TO CREATE AN MX-3 ZONE, WHICH WILL ALLOW A BLEND OF HIGH DENSITY RESIDENTIAL AND COMMERCIAL USES.

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Central Planning Board, at its July 24, 2017 regular meeting, confirmed that the proposed amendment is substantially consistent with the City's land use plan element, in accordance with the provisions of N.J.S.A. 40:55D-62; and

WHEREAS, The Municipal Council of the City of Newark is proposing an Ordinance to amend the Newark Zoning and Land Use Regulations (NZLUR), Title XLI of the Municipal Code. This Ordinance proposes the establishment of a new zone, the MX-3 Mixed Use Residential/Commercial (High Density) District; and

WHEREAS, The Municipal Council is required by State statute (N.J.S.A. 40:55D-26) to refer the proposed legislation to the Planning Board for its review. The purpose of this review is twofold; to determine if the proposed legislation is consistent with the City's Master Plan, and to make recommendations to the Council related to this consistency or any other matter that the Board deems appropriate; and

WHEREAS, the Municipal Council adopted Resolution 7R2-g, on June 21, 2017, referring the proposed MX-3 amendment to the Zoning Ordinance to the Planning Board for their review; and

WHEREAS, the Central Planning Board, City of Newark, New Jersey, after considering the evidence presented by the Board Planner at its regular hearing on June 26, 2017, which included a review of the Ordinance for consistency with the City Master Plan and recommendations for revisions, and after hearing the testimony of members of the public, elected to defer action on the matter until a community meeting could be conducted; and

WHEREAS, on July 6, 2017, a community meeting was conducted in the East Ward in the Ironbound Neighborhood, at which time a presentation was made by Department of Economic and Housing Development staff and attendees were given the opportunity to present comments about the proposal; and

WHEREAS, the Central Planning Board, City of Newark, New Jersey, at its regular hearing on July 24, 2017, heard additional testimony on this matter and made recommendations that are attached in the Memorialized Resolution. findings.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Section 1: Title 41, Chapters 1 through 5 of the City of Newark Municipal are hereby amended as follows:

Bold and underlined is new text not present in the current zoning ordinance.

Strike through is text deleted from the current zoning ordinance.

Chapter 1. Purpose & Intent Introduction

41:1-2. Introduction to Zones Zoning Districts

MX-3 Mixed-Use 3: Residential & Commercial (High Density)

Mixed Use 3: Residential & Commercial (MX-3) zoning allows for a blend of high density residential and commercial uses in the same building or district, within a half (1/2) mile from Newark Penn Station. It builds upon Newark's strength as a multimodal transportation hub to support the Downtown Core District, expand housing and economic opportunities along the area's major streets and transportation corridors and protect adjacent low-density neighborhoods. It promotes a walkable neighborhood with a vibrant commercial/retail zone. The district's bulk standards allow taller buildings – up to twelve (12) stories high with a minimum lot area per dwelling unit of two hundred (200) square feet.

Commercial development in MX-3 zones allows for ground-floor commercial use with commercial or residential uses above.

MX-3 zoning is applied in areas where there is some existing mix of residential, commercial and industrial uses, such as along Lafayette Street, Union Street and Ferry Street and in under-utilized areas near Newark Penn Station where the predominant use is surface parking, such as along New Jersey Railroad Avenue, Bruen Street, McWhorter Street, Prospect Street and Congress Street.

Learn more about the specific uses that are permitted and prohibited in MX-3 zones in section 41:4-4. Permitted Uses in Mixed-Use & Other Districts.

Learn more about the size and design of buildings permitted in MX-3 zones in section 41:5-2. General Bulk & Design Standards.

Chapter 2. Definitions

Artisans and Craft Workspace shall mean space for skilled craft workers who create things by hand that may be functional or decorative in nature including but not limited to: art, furniture, sculptures, clothing and jewelry. The display and sale of these crafts is permitted as an accessory use.

Brewery, Limited shall mean a commercial facility, which shall not sell or serve food or operate a restaurant, which brews any malt alcoholic beverage in quantities for which it is licensed by the Alcoholic Beverage Commission pursuant to N.J.S.A. 33:1-10. The limited brewery may sell the product at retail to consumers on the licensed premises of the brewery for consumption on the premises but only in connection with tours of the brewery, or for consumption off premises in a quantity of not more than 15.5 fluid gallons per person, and to offer samples for sampling purposes only. "Sampling" shall mean the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of any malt alcoholic beverage produced on the premises. In addition, uses which manufacture 10,000 barrels of beverage or less, but do not meet the one or more requirements of N.J.S.A 33:1-10 and N.J.S.A 33:1-12, shall be considered as limited brewery.

Brewery, Restricted shall mean a commercial establishment, commonly known as Brewpub, that brews any malt alcoholic beverage on site and that meets the requirements of N.J.S.A. 33:1-10 and N.J.S.A 33:1-12. The restricted brewery shall operate in conjunction with a "Sit-Down Restaurant", as defined herein. The restricted brewery may not manufacture more than 10,000 of 31 gallons capacity per year. The restricted brewery may sell, transport and deliver malt alcoholic beverages to wholesalers licensed in accordance with N.J.S.A. 33:1-10.

Shared Kitchen shall mean any establishment that is used as a place of business for the exclusive or primary purpose of utilizing, leasing or renting its commercial kitchen space to individuals, or business entities, for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose; and is licensed as per any applicable local, state or federal law.

Height of Building shall mean measured to the highest point of the roof from the mean elevation of the finished grade from all exterior walls shall mean the vertical distance measured from the mean elevation of the finished grade from all exterior walls to the highest point of the roof. The limitations of height shall not apply to necessary features usually carried above roofs of buildings, but not used for living purposes, such as water tanks, satellite dishes, chimneys, ventilation systems, rooftop mechanical equipment, bulkheads, aerials, church towers or spires, solar arrays, reception antennas, lightning rods and flag poles for the use of the occupants of the building.

Live-Work Unit (Non-Nuisance Producing) shall mean a dwelling unit where the living space is separated from the work space. The work space shall be located on the street level and the living space may be located on the street level (behind the work component) or on any other level of the building above the basement. A minimum of one residential unit in a building with live-work use shall be occupied by the person operating the street-level business.

The work use shall not be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

Live/work space, includes, but is not limited to: customary home occupations; retail sales; photographic studio; studio for arts, crafts, writing, acting, advertising, industrial design, media facility, architecture, interior design, recording studio; theater, film or video production; gallery, auction house, set shop; lighting, engineering, or musical instrument manufacturing; sheet music printing, framing, arts supply, arts restoration, and neighborhood light manufacturing uses.

Makers Space shall mean a building with multiple live-work spaces producing retail goods (NOT services), that may contain a shared retail sales space located on the street level of the building. The building may also contain rooms for common workshop space, containing tools and equipment to be shared among building residents. This common workshop shall not include and must be separate and apart from any residential unit.

In the case of a makers space, each live-work unit may combine the "work" and "live" components into a single combination workspace/dwelling unit.

All final sales of goods must be confined to the first-floor retail area. Customers may only be served in this first-floor space. The first floor area may also contain a workshop space where residents of the building can hold demonstration workshops or host other events of an educational nature.

Chapter 3. Zoning Districts

401:3-1. Establishment of Zoning Districts

For the purpose of limiting and restricting to specified districts, and regulating therein buildings and structures according to their construction and the nature and extent of their use, and the nature and extent of the use of land, and to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use and extent of use of buildings and structures and land, for trade, industry, residence or other purposes excluding municipally owned and operated or municipally operated buildings and related premises used for governmental purposes, the City of Newark is hereby divided into districts, of which there shall be twenty (20) in number, known as:

R-1	Detached Single-Family Residential
R-2	Single- and Two-Family Residential
R-3	One- to Three-Family and Town House Residential
R-4	Low-Rise Multifamily Residential
R-5	Mid-Rise Multifamily Residential
R-6	High-Rise Multifamily Residential
C-1	Neighborhood Commercial
C-2	Community Commercial
C-3	Regional Commercial
I-1	Light Industrial
I-2	Medium Industrial
I-3	Heavy Industrial
MX-1	Mixed Use, Residential/Commercial
MX-2	Mixed Use, Residential/Commercial/Industrial
MX-3	Mixed Use, Residential/Commercial (High Density)
EWR	Airport

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Date

EWR-S Airport Support
 PORT Port
 INST Institutional
 PARK Park
 CEM Cemetery
RDV/SD Redevelopment Zones & Special Districts

Chapter 4: Permitted Uses by District

401:4-4. Permitted Uses in Mixed-Use & Other Districts

Table 4-4: Mixed-Use & Other Districts

P = Permitted - = Not Permitted C = Conditional Use Only
 Any use not listed below is also prohibited

	MX-1	MX-2	MX-3	INST	PARK	CEM
Principal Uses						
Single-Family Dwelling	P	P	-	-	-	-
Two-Family Dwelling	P	P	-	-	-	-
Three-Family Dwelling	P	P	-	-	-	-
Town House, Dwelling	P	P	-	P	-	-
Low-Rise Multi-Family Dwellings	P	P	P	P	-	-
Mid-Rise Multi-Family Dwellings	-	-	P	P	-	-
High-Rise Multi-Family Dwellings	-	-	P	-	-	-
Artisans and Craft Workspace	-	P	P	-	-	-
Artist Live/Work Studio (Nuisance Producing)	-	C	-	-	-	-
Active Recreation Park	P	P	P	P	P	-
Animal Boarding or Kennel, Animal Shelter, Pound	-	C	-	-	-	-
Animal Daycare, Animal Grooming	C	C	C	-	-	-
Automobile Repair and Tire Repair	-	P	-	-	-	-
Bar/Lounge, Cigar or Hookah (See Section 401:4-6. Additional Standards)	-	-	-	-	-	-
Bars, Taverns, Lounges	C	C	C	-	-	-
Body Art Studio	-	C	-	-	-	-
Brewery, Limited	-	P	P	-	-	-
Brewery, Restricted	P	P	P	-	-	-
Business, Specialized or Vocational Schools	-	P	P	-	-	-
Cemeteries (See Section 401:4-6. Additional Standards)	-	-	-	-	-	P
Child Care Center/Adult Day Care	P	P	P	P	-	-
Colleges and Universities	-	-	-	P	-	-
Commercial Recreation	-	P	P	-	-	-
Community Centers	P	P	P	P	-	-
Community Gardens	P	P	-	P	P	-
Consignment Store	P	P	P	-	-	-
Consumer Repair Services	P	P	P	-	-	-
Convenience Retail (permitted on ground floor only)	P	P	P	P	-	-
Data Center	-	P	P	-	-	-
Dormitory	-	-	-	P	-	-
Dry Cleaning and Laundry Establishment	C	C	C	C	-	-
Emergency Food Distribution Center, Food Pantry & Soup Kitchen	C	C	-	-	-	-
Finance, Insurance, Real Estate, or Securities Brokerage	P	P	P	-	-	-
Consumer Services	-	-	-	-	-	-
Fish, Meat and Poultry Markets	P	P	P	-	-	-
Fitness Centers	P	P	P	P	-	-
Fresh Food Market	P	P	P	P	-	-
Funeral Home or Mortuary	C	C	-	-	-	-
Government (Non-Municipal) Uses	-	P	P	P	-	-
Homeless Shelter	C	C	-	C	-	-
Hospital or Medical Institution	-	-	-	P	-	-

Table 4-4: Mixed-Use & Other Districts

P = Permitted - = Not Permitted C = Conditional Use Only
 Any use not listed below is also prohibited

	MX-1	MX-2	MX-3	INST	PARK	CEM
Principal Uses (continued)						
Hotels (See Section 401:4-6. Additional Standards)	-	-	P	-	-	-
Laundromat	P	P	P	-	-	-

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Live-Work Unit (Non Nuisance Producing)	-	-	P	-	-	-
Makers Space	-	-	P	-	-	-
Manufacturing, Light	-	P	P	-	-	-
Massage Facilities	C	C	C	-	-	-
Medical Clinic or Emergency Care Facility	-	P	P	-	-	-
Medical Offices	P	P	P	-	-	-
Methadone Maintenance Clinic	-	C	-	-	-	-
Municipal Uses	P	P	P	P	-	-
Museums	-	-	-	P	-	-
Offices	P	P	P	P	-	-
Passive Recreation Park	P	P	P	P	P	-
Personal Service Establishment	P	P	P	-	-	-
Places of Worship	C	C	C	C	-	-
Primary and Secondary Schools	C	C	C	C	-	-
Private Clubs (See Section 401:4-6. Additional Standards)	C	-	C	-	-	-
Recycling Center	-	C	-	-	-	-
Resale or Thrift Shop	C	C	C	-	-	-
Research and Development	-	P	P	P	-	-
Retail Sales, General Consumer Goods	P	P	P	P	-	-
Shared Kitchen	P	P	P	P	-	-
Sit-Down Restaurant	P	P	P	-	-	-
Substance Abuse Treatment Center	-	C	-	-	-	-
Supermarket	P	P	P	-	-	-
Take-Out Restaurant	P	P	P	-	-	-
Theater	-	-	-	P	-	-
Veterinary Clinic, Office or Hospital	-	C	C	-	-	-
Warehousing, Wholesaling and Distribution	-	P	-	-	-	-
Wholesale Bakeries	-	P	-	-	-	-

Table 4-4: Mixed-Use & Other Districts						
P = Permitted - = Not Permitted C = Conditional Use Only						
Any use not listed below is also prohibited						
	MX-1	MX-2	MX-3	INST	PARK	CEM
Accessory Uses						
Automotive Lifts (See Section 401:4-6. Additional Standards)	-	P	-	P	-	-
Child Care Center/Adult Day Care	P	P	P	P	-	-
Coldframe	P	P	-	P	P	-
Columbarium	-	-	-	-	-	P
Composting (See Section 401:4-6. Additional Standards)	P	P	-	P	P	P
Crematorium, Animal	-	-	-	-	-	C
Crematorium, Human	-	-	-	-	-	C
Donation Bin (See Section 401:4-6. Additional Standards)	P	P	-	P	-	-
Emergency Food Distribution Center, Food Pantry & Soup Kitchen	C	C	C	-	-	-
Farm Stand	P	P	P	P	-	-
Greenhouse	P	P	P	P	P	-
Home Occupation (See Section 401:4-6. Additional Standards)	P	-	P	-	-	-
Home Professional Offices	C	C	C	-	-	-
Hoophouse	P	P	P	P	P	-
Maintenance Buildings	-	-	-	P	P	P
Massage Facilities	C	C	C	-	-	-
Mausoleum	-	-	-	-	-	P
Mausoleum, Family	-	-	-	-	-	P
Offices	P	P	P	P	-	P
Outdoor storage, Portable Storage Units	-	C	-	C	-	C
Parking, Structured*	P	P	P	-	-	-
Parking, Garage, Private Residential	P	P	-	-	-	-
Place of Worship	-	-	-	-	-	P
Sidewalk Café (accessory to permitted restaurant only, see Section 401:4-6. Additional Standards)	P	P	P	P	-	-
Solar Energy Systems	C	C	C	C	-	C
Solar Energy System, Residential Roof Mounted (See Section 41:4-6. Additional Standards)	P	P	P	P	-	-
Tombstones and Monuments	-	-	-	-	-	P
Wind Energy Systems, Small	C	C	C	C	C	C

401:5-1. Permitted Building Types by Zoning District**Table 5.1. Building Types Permitted by Zone**

P = permitted, see Bulk & Design requirements

Note: This table pertains only to building design requirements and not permitted uses. For permitted uses, see Chapter 4: Permitted Uses by District

BUILDING TYPE	R1	R2	R3	R4	R5	R6	C1	C2	C3	I1	I2	I3	MX-1	MX-2	MX-3	INS-T	EWR-S
RESIDENTIAL																	
One-family	P	P	P	P									P	P			
Two-family		P	P	P									P	P			
Three-family			P	P									P	P			
Townhouse		P	P	P									P	P		P	
Low-rise multifamily & Four-family				P	P	P	P						P	P	P	P	
Mid-rise multifamily					P	P									P	P	
High-rise multifamily						P									P		
COMMERCIAL																	
Ground-floor commercial with commercial or residential above				P	P	P	P	P	P				P	P	P	P	
Detached commercial									P	P			P	P	P		P
INDUSTRIAL																	
CIVIC/INSTITUTIONAL																	
University																P	
Hospital or Medical Institution																P	
Schools (Elementary, Middle, High Schools)		P	P	P	P	P	P	P	P				P			P	
Place of Worship		P	P	P	P	P	P	P	P	P			P	P		P	
Community Center, Stand-Alone Daycare or Preschool in a Non-residential Area, and other Civic Buildings				P	P	P	P	P	P				P	P	P	P	

Table 5-32. General Bulk & Design Standards

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage by Building
Low-rise multifamily For accessory buildings in residential districts see Note 7 in this Chapter <u>In C-1 and MX-3 Zone: for low-rise multifamily with active ground floor use Ground-floor commercial with commercial or residential above standards.</u>	10000 square feet	100 feet	4 stories and 48 feet For towers, cupolas, and other elements of architectural character, see Note 1 in this Chapter.	Front setback shall match the shorter front setback of the two closest <u>principal</u> buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback. Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 in this Chapter. For through lots, see Note 3 in this Chapter. For corner lots, see Note 4 in this Chapter.	5 feet Minimum For party walls and other exceptions, see Note 5 in this Chapter.	30 feet	625 SF/du	66%
Mid-rise multifamily For accessory buildings in residential districts see Note 7 in this Chapter <u>In MX-3 Zone: for mid-rise multifamily with active ground floor use Ground-floor commercial with commercial</u>	10000 square feet	100 feet	8 stories and 96 feet For towers, cupolas, and other elements of architectural character, see Note 1 in this Chapter. <u>For properties bordering on Ferry Street, no portion of any building within 100 feet of Ferry Street shall exceed 5 stories or 60 feet. All</u>	Front setback shall match the shorter front setback of the two closest <u>principal</u> buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback. Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 in this Chapter. For through lots, see Note 3 in this Chapter. For corner lots, see Note 4 in this Chapter.	5 feet minimum For party walls and other exceptions, see Note 5 in this Chapter.	30 feet	350 SF/du	60%

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or 3 residential above standards.			dwelling units fronting on Ferry Street shall be located above ground floor retail, office or service use.				
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Table 5.32. General Bulk & Design Standards

	Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground Floor Requirements
<p>Low-rise multifamily</p> <p>For accessory buildings in residential districts see Note 87 in this chapter</p>	<p>Front Yard: 55%</p> <p>Rear Yard: 30%</p>	<p>Primary Front Façade: 50%</p> <p><u>Secondary Street-Facing Side Façade</u> & Rear Façades: 35%</p> <p>Non-Street-Facing Façades: 20% or the maximum allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p> <p>If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.</p>	<p>If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet max <u>min.</u> floor-to-floor height.</p>
<p>Mid-rise multifamily</p>	<p>Front Yard: 55%</p> <p>Rear Yard: 30%</p>	<p>Primary Front Façade: 50%</p> <p><u>Secondary Street-Facing Side Façade</u> & Rear Façades: 35%</p> <p>Non-Street-Facing Façades: 20% or the maximum allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p> <p>If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.</p>	<p>If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet max <u>min.</u> floor-to-floor height.</p>

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Table 5-32. General Bulk & Design Standards

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage by Building
High-rise multifamily	10000 square feet	100 feet	10 stories and 120 feet	Front setback shall match the shorter front setback of the two closest principal buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback. <u>A 10-foot front setback is required along McWhorter Street and Union Street.</u>	10 feet minimum	30 feet	300 SF/du	60%
In MX-3 Zone: for high-rise multifamily with active ground floor, use Ground-floor commercial with commercial or residential above standards.			An additional 1 story per 12 feet of height shall be permitted for each additional 1,000 SF of lot area up to 20,000 SF, for a maximum height of 20 stories and 243 feet. <u>A 10-foot setback is required after 8 stories along all front street facing facades. For properties bordering on Ferry Street, no portion of any building within 100 feet of Ferry Street shall exceed 5 stories or 60 feet. All</u>	Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 in this Chapter. For through lots, see Note 3 in this Chapter. For corner lots, see Note 4 in this Chapter.				

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			<u>dwelling units fronting on Ferry Street shall be located above ground floor retail, office or service use.</u>					
Ground-floor commercial with commercial or residential above	3,500 square feet In MX-3: 10,000 square feet	35 feet In MX-3: 100 feet	In C1 district: 4 stories and 48 feet In C2 district: <u>minimum 2 stories and maximum 5</u> stories and 60 feet In C3 and INST districts: 8 stories and 96 feet In MX-1 & and MX-2 districts: 4 stories and 48 feet. <u>In MX-3 districts: 12 stories and 145 feet. A 10-foot setback is required after 8 stories along all front street facing facades. For properties bordering on Ferry Street, no portion of any building within 100 feet of Ferry Street shall exceed 5 stories or 60 feet. All dwelling units fronting on Ferry Street shall be located above ground floor retail, office or service use.</u>	Minimum: 0 feet Maximum: 5 feet <u>In MX-3: Front setback shall match the shorter front setback of the two closest principal buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback. A 10-foot front setback is required along McWhorter Street and Union Street.</u> Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 in this Chapter. For through lots, see Note 3 in this Chapter. For corner lots, see Note 4 in this Chapter.	<u>0 feet minimum and maximum</u> <u>In MX-3: 5 feet minimum for buildings up to 8 stories and 10 feet minimum for buildings more than 8 stories tall.</u>	Abutting a residential district or residential use: 25 feet Abutting a non-residential district: 20 feet	In C1, <u>MX-1, and MX-2</u> districts: 580 SF/du In C2 district: 340 SF/du In C3 <u>and INST</u> districts: 310 SF/du <u>In MX-3 zone: 200 SF/du; 150 SF/du if 50% of the total units are 1 bedroom and/or studio units; 130 SF/du if 75% of the total units are 1 bedroom and /or studio units.</u>	80% <u>In MX-3 zone: 85%</u>

	Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground Floor Requirements
4-5 High-rise multifamily	Front Yard: 55% Rear Yard: 30%	Primary Front Façade: 50% 40% in MX-3 Secondary Street-Facing Side Façade & Rear Façades: 35% Non-Street-Facing Façades: 20% or the maximum allowed by construction code, whichever is greater. All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement. If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.	Primary street-facing façade must include primary entrance. All units must be accessible from front or side façade. Rear primary entrances are prohibited. If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.	If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet max min. floor-to-floor height.
20 Ground-floor commercial with commercial or residential above	Front Yard: n/a Rear Yard: 50% In MX-3 zone: Front Yard: 55% Rear Yard: 30%	Ground-level street-facing façade below 14 feet in height: 65% Ground-level windows must allow views of indoor non-residential space or product display areas. Corner uses having frontage on two streets shall meet this requirement for each of the street frontages. Primary Front Façade (excluding ground-level façades): 40% in MX-3 and 50% in all other zoning districts Street-Facing Side & Rear Façades: 35% Non-Street-Facing Walls: 15% All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement. Reflective, mirrored, smoked and dark tinted glass are prohibited on façades facing a public street.	Primary street-facing façade must include primary entrance. Buildings may have more than one principal façade and/or entry. Entries to non-residential uses shall have their own individual entrance from a sidewalk or walkway; mall-style interior retail entrances are prohibited.	Ground floor shall have a 14 feet min floor-to-floor height. In MX-3 zone: Active ground floor with active streetfront design required for all building frontages.

Note: In MX-3 additional sustainability standards shall apply, see section 41:5-3.

41:5-3: Additional sustainability standards for MX-3.

Following standards shall apply for building over 8 stories high.

1. Provide open spaces (greens, squares, plazas, courts and pocket parks/playgrounds) equal to 10% of total lot area or 10% of the ground-floor floor area whichever is greater on the site, with public access directly from the sidewalk at ground level or from the public right of way. Open space must meet landscaping and other design requirements as listed in this ordinance.
2. Provide green roof equal to 50% or more of the total usable roof area including both principal and accessory structures.
3. Provide a living wall or green wall equal to 300 Sq. Ft. or more.
4. Install appropriate gray water recycling system so that onsite gray water is reused for landscaping maintenance and other non-potable systems.
5. Incorporate additional on-site stormwater management measures and Low Impact Development (LID) strategies, that reduces stormwater flow generated from proposed development, including all proposed graded and fill areas, by 50% or greater. The plans must provide calculations showing stormwater runoff rates of development with the new stormwater management measures and without them.
6. All new electrical or electronic appliances provided by the developer, owner or management Company shall meet Energy Star compliant requirements.
7. Provide One (1) bicycle parking space for every five (5) residential units.
8. Provide one (1) electric vehicle charging station for every ten (10) parking spaces.

List of Attached Exhibits

- 1) Exhibit A – Map 1: Rezoning Boundary
- 2) Exhibit B – Map 2: Existing Zoning
- 3) Exhibit C – Map 3: Proposed Zoning
- 4) Exhibit D – Map 4: Existing Land Uses (Newark Master Plan)
- 5) Exhibit E – Map 5: Proposed Land Uses

Section 2:

Severability: If any Section, Subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3.

Repealer: All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 4.

This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance amends the City of Newark's Zoning Ordinance, Title XLI, Chapters 1 through 5, to create an MX-3 Zone, which will allow a blend of high density residential and commercial uses.

CERTIFIED TO BY ME THIS

OCT 11 2017

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE					RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador Vice President		<input checked="" type="checkbox"/>			Osborne	<input checked="" type="checkbox"/>				Amador Vice President				
Gonzalez	<input checked="" type="checkbox"/>				Quintana	<input checked="" type="checkbox"/>				Gonzalez				
James	<input checked="" type="checkbox"/>				Ramos, Jr.	<input checked="" type="checkbox"/>				James				
Chaneyfield Jenkins				<input checked="" type="checkbox"/>	Crump President	<input checked="" type="checkbox"/>				Chaneyfield Jenkins				
McCallum, Jr.	<input checked="" type="checkbox"/>									McCallum, Jr.				
✓ - Indicates Vote					AB - Absent					NV - Not Voting				

Adopted on first reading at a meeting of the Council of the City of Newark, N.J. on

AUG 02 2017

Adopted on second and final reading after hearing on

OCT 04 2017

Approved

Rejected By

Mayor

Council President

City Clerk

This Ordinance when adopted must remain in the custody of the City Clerk. Certified copies are available.

17-1437